

1 AN ACT in relation to children.

2 Be it enacted by the People of the State of Illinois,
3 represented in the General Assembly:

4 Section 5. The Children and Family Services Act is
5 amended by adding Section 35.7 as follows:

6 (20 ILCS 505/35.7 new)

7 Sec. 35.7. Citizen Review Panel. The Department of
8 Children and Family Services shall establish a pilot Citizen
9 Review Panel in Cook County following the National
10 Association of Foster Care Reviewers' guidelines for
11 independent review. The Citizen Review Panel shall include
12 volunteer citizens who shall be selected using the
13 qualifications developed by the Department.

14 An Administrator who is a paid child welfare professional
15 with experience in foster care review shall manage the
16 Citizen Review Panel. The University of Illinois Research
17 Center shall develop outcomes for the review process
18 consistent with the outcomes of the administrative case
19 review process and provide a written report for community
20 review.

21 The Citizen Review Panel shall have at least 3 but not
22 more than 5 members who are parents, foster parents, former
23 wards, or adoptive parents. At least one member shall be a
24 child welfare professional.

25 Volunteer members of the Citizen Review Panel shall be
26 reimbursed for travel expenses and provided continuous
27 training arranged by the Foster Care Review Administrator.

28 Any parent within the pilot area who has participated in
29 and has raised concerns at the administrative case review
30 process that resulted in a goal change from return home to
31 substitute care pending a legal decision may request a review

1 by the Citizen Review Panel. The safety and permanency of the
2 child shall be of paramount concern in the review. A review
3 shall be scheduled within 14 days of the administrative case
4 review. All participants in the administrative case review
5 shall be invited to the Citizen Review and shall be notified
6 by registered mail, return receipt requested. The parents and
7 the caseworker and supervisor must participate in the Citizen
8 Review Panel process. The Citizen Review Panel shall provide
9 a written summary to the participants at the conclusion of
10 the review. If the recommendations are different from those
11 of the administrative case review, the caseworker, supervisor
12 and family shall have a family meeting within 5 working days
13 to revise the service plan and goal, using the
14 recommendations from the Citizen Review Panel. The
15 recommendations of the Citizen Review Panel shall be
16 consistent with law and with rules and procedures of the
17 Department. The case shall be rescheduled within 60 days for
18 an administrative case review to ensure that the revised plan
19 adheres to rules, procedures, and laws. The Citizen Review
20 Panel may give the Director of Children and Family Services
21 recommendations for changes to rules, procedures, and laws.

22 Section 10. The Juvenile Court Act of 1987 is amended by
23 changing Section 2-28 as follows:

24 (705 ILCS 405/2-28) (from Ch. 37, par. 802-28)

25 Sec. 2-28. Court review.

26 (1) The court may require any legal custodian or
27 guardian of the person appointed under this Act to report
28 periodically to the court or may cite him into court and
29 require him or his agency, to make a full and accurate report
30 of his or its doings in behalf of the minor. The custodian
31 or guardian, within 10 days after such citation, shall make
32 the report, either in writing verified by affidavit or orally

1 under oath in open court, or otherwise as the court directs.
2 Upon the hearing of the report the court may remove the
3 custodian or guardian and appoint another in his stead or
4 restore the minor to the custody of his parents or former
5 guardian or custodian. However, custody of the minor shall
6 not be restored to any parent, guardian or legal custodian in
7 any case in which the minor is found to be neglected or
8 abused under Section 2-3 or dependent under Section 2-4 of
9 this Act, unless the minor can be cared for at home without
10 endangering the minor's health or safety and it is in the
11 best interests of the minor, and if such neglect, abuse, or
12 dependency is found by the court under paragraph (1) of
13 Section 2-21 of this Act to have come about due to the acts
14 or omissions or both of such parent, guardian or legal
15 custodian, until such time as an investigation is made as
16 provided in paragraph (5) and a hearing is held on the issue
17 of the fitness of such parent, guardian or legal custodian to
18 care for the minor and the court enters an order that such
19 parent, guardian or legal custodian is fit to care for the
20 minor.

21 (2) The first permanency hearing shall be conducted by
22 the judge. Subsequent permanency hearings may be heard by a
23 judge or by hearing officers appointed or approved by the
24 court in the manner set forth in Section 2-28.1 of this Act.
25 The initial hearing shall be held (a) within 12 months from
26 the date temporary custody was taken, (b) if the parental
27 rights of both parents have been terminated in accordance
28 with the procedure described in subsection (5) of Section
29 2-21, within 30 days of the order for termination of parental
30 rights and appointment of a guardian with power to consent to
31 adoption, or (c) in accordance with subsection (2) of Section
32 2-13.1. Subsequent permanency hearings shall be held every 6
33 months or more frequently if necessary in the court's
34 determination following the initial permanency hearing, in

1 accordance with the standards set forth in this Section,
2 until the court determines that the plan and goal have been
3 achieved. Once the plan and goal have been achieved, if the
4 minor remains in substitute care, the case shall be reviewed
5 at least every 6 months thereafter, subject to the provisions
6 of this Section, unless the minor is placed in the
7 guardianship of a suitable relative or other person and the
8 court determines that further monitoring by the court does
9 not further the health, safety or best interest of the child
10 and that this is a stable permanent placement. The permanency
11 hearings must occur within the time frames set forth in this
12 subsection and may not be delayed in anticipation of a report
13 from any source or due to the agency's failure to timely file
14 its written report (this written report means the one
15 required under the next paragraph and does not mean the
16 service plan also referred to in that paragraph).

17 The public agency that is the custodian or guardian of
18 the minor, or another agency responsible for the minor's
19 care, shall ensure that all parties to the permanency
20 hearings are provided a copy of the most recent service plan
21 prepared within the prior 6 months at least 14 days in
22 advance of the hearing. If not contained in the plan, the
23 agency shall also include a report setting forth (i) any
24 special physical, psychological, educational, medical,
25 emotional, or other needs of the minor or his or her family
26 that are relevant to a permanency or placement determination
27 and (ii) for any minor age 16 or over, a written description
28 of the programs and services that will enable the minor to
29 prepare for independent living. The agency's written report
30 must detail what progress or lack of progress the parent has
31 made in correcting the conditions requiring the child to be
32 in care; whether the child can be returned home without
33 jeopardizing the child's health, safety, and welfare, and if
34 not, what permanency goal is recommended to be in the best

1 interests of the child, and why the other permanency goals
2 are not appropriate. The caseworker must appear and testify
3 at the permanency hearing. If a permanency hearing has not
4 previously been scheduled by the court, the moving party
5 shall move for the setting of a permanency hearing and the
6 entry of an order within the time frames set forth in this
7 subsection.

8 At the permanency hearing, the court shall determine the
9 future status of the child. The court shall set one of the
10 following permanency goals:

11 (A) The minor will be returned home by a specific
12 date within 5 months.

13 (B) The minor will be in short-term care with a
14 continued goal to return home within a period not to
15 exceed one year, where the progress of the parent or
16 parents is substantial giving particular consideration to
17 the age and individual needs of the minor.

18 (B-1) The minor will be in short-term care with a
19 continued goal to return home pending a status hearing.
20 When the court finds that a parent has not made
21 reasonable efforts or reasonable progress to date, the
22 court shall identify what actions the parent and the
23 Department must take in order to justify a finding of
24 reasonable efforts or reasonable progress and shall set a
25 status hearing to be held not earlier than 9 months from
26 the date of adjudication nor later than 11 months from
27 the date of adjudication during which the parent's
28 progress will again be reviewed.

29 (C) The minor will be in substitute care pending
30 court determination on termination of parental rights.

31 (D) Adoption, provided that parental rights have
32 been terminated or relinquished.

33 (E) The guardianship of the minor will be
34 transferred to an individual or couple on a permanent

1 basis provided that goals (A) through (D) have been ruled
2 out.

3 (F) The minor over age 15 will be in substitute
4 care pending independence.

5 (G) The minor will be in substitute care because he
6 or she cannot be provided for in a home environment due
7 to developmental disabilities or mental illness or
8 because he or she is a danger to self or others, provided
9 that goals (A) through (D) have been ruled out.

10 In selecting any permanency goal, the court shall
11 indicate in writing the reasons the goal was selected and why
12 the preceding goals were ruled out. Where the court has
13 selected a permanency goal other than (A), (B), or (B-1), the
14 Department of Children and Family Services shall not provide
15 further reunification services, but shall provide services
16 consistent with the goal selected.

17 The court shall set a permanency goal that is in the best
18 interest of the child. The court's determination shall
19 include the following factors:

20 (1) Age of the child.

21 (2) Options available for permanence.

22 (3) Current placement of the child and the intent
23 of the family regarding adoption.

24 (4) Emotional, physical, and mental status or
25 condition of the child.

26 (5) Types of services previously offered and
27 whether or not the services were successful and, if not
28 successful, the reasons the services failed.

29 (6) Availability of services currently needed and
30 whether the services exist.

31 (7) Status of siblings of the minor.

32 The court shall consider (i) the permanency goal
33 contained in the service plan, (ii) the appropriateness of
34 the services contained in the plan and whether those services

1 have been provided, (iii) whether reasonable efforts have
2 been made by all the parties to the service plan to achieve
3 the goal, and (iv) whether the plan and goal have been
4 achieved. All evidence relevant to determining these
5 questions, including oral and written reports, may be
6 admitted and may be relied on to the extent of their
7 probative value.

8 If the goal has been achieved, the court shall enter
9 orders that are necessary to conform the minor's legal
10 custody and status to those findings.

11 If, after receiving evidence, the court determines that
12 the services contained in the plan are not reasonably
13 calculated to facilitate achievement of the permanency goal,
14 the court shall put in writing the factual basis supporting
15 the determination and enter specific findings based on the
16 evidence. The court also shall enter an order for the
17 Department to develop and implement a new service plan or to
18 implement changes to the current service plan consistent with
19 the court's findings. The new service plan shall be filed
20 with the court and served on all parties within 45 days of
21 the date of the order. The court shall continue the matter
22 until the new service plan is filed. ~~Unless-otherwise~~
23 ~~specifically-authorized-by-law,~~ The court is not empowered
24 ~~under--this--subsection--(2)--or--under--subsection--(3)~~ to order
25 specific placements or, specific services, or both, ~~specific~~
26 ~~service-providers~~ to be included in the plan.

27 A guardian or custodian appointed by the court pursuant
28 to this Act shall file updated case plans with the court
29 every 6 months.

30 Rights of wards of the court under this Act are
31 enforceable against any public agency by complaints for
32 relief by mandamus filed in any proceedings brought under
33 this Act.

34 (3) Following the permanency hearing, the court shall

1 enter a written order that includes the determinations
2 required under subsection (2) of this Section and sets forth
3 the following:

4 (a) The future status of the minor, including the
5 permanency goal, and any order necessary to conform the
6 minor's legal custody and status to such determination;
7 or

8 (b) If the permanency goal of the minor cannot be
9 achieved immediately, the specific reasons for continuing
10 the minor in the care of the Department of Children and
11 Family Services or other agency for short term placement,
12 and the following determinations:

13 (i) (Blank).

14 (ii) Whether the services required by the
15 court and by any service plan prepared within the
16 prior 6 months have been provided and (A) if so,
17 whether the services were reasonably calculated to
18 facilitate the achievement of the permanency goal or
19 (B) if not provided, why the services were not
20 provided.

21 (iii) Whether the minor's placement is
22 necessary, and appropriate to the plan and goal,
23 recognizing the right of minors to the least
24 restrictive (most family-like) setting available and
25 in close proximity to the parents' home consistent
26 with the health, safety, best interest and special
27 needs of the minor and, if the minor is placed
28 out-of-State, whether the out-of-State placement
29 continues to be appropriate and consistent with the
30 health, safety, and best interest of the minor.

31 (iv) (Blank).

32 (v) (Blank).

33 ~~Any order entered pursuant to this subsection (3) shall~~
34 ~~be immediately appealable as a matter of right under Supreme~~

1 ~~Court-Rule-304(b)(1)-~~

2 (4) The minor or any person interested in the minor may
3 apply to the court for a change in custody of the minor and
4 the appointment of a new custodian or guardian of the person
5 or for the restoration of the minor to the custody of his
6 parents or former guardian or custodian.

7 When return home is not selected as the permanency goal:

8 (a) The Department, the minor, or the current
9 foster parent or relative caregiver seeking private
10 guardianship may file a motion for private guardianship
11 of the minor. Appointment of a guardian under this
12 Section requires approval of the court.

13 (b) The State's Attorney may file a motion to
14 terminate parental rights of any parent who has failed to
15 make reasonable efforts to correct the conditions which
16 led to the removal of the child or reasonable progress
17 toward the return of the child, as defined in subdivision
18 (D)(m) of Section 1 of the Adoption Act or for whom any
19 other unfitness ground for terminating parental rights as
20 defined in subdivision (D) of Section 1 of the Adoption
21 Act exists.

22 Custody of the minor shall not be restored to any parent,
23 guardian or legal custodian in any case in which the minor is
24 found to be neglected or abused under Section 2-3 or
25 dependent under Section 2-4 of this Act, unless the minor can
26 be cared for at home without endangering his or her health or
27 safety and it is in the best interest of the minor, and if
28 such neglect, abuse, or dependency is found by the court
29 under paragraph (1) of Section 2-21 of this Act to have come
30 about due to the acts or omissions or both of such parent,
31 guardian or legal custodian, until such time as an
32 investigation is made as provided in paragraph (5) and a
33 hearing is held on the issue of the health, safety and best
34 interest of the minor and the fitness of such parent,

1 guardian or legal custodian to care for the minor and the
2 court enters an order that such parent, guardian or legal
3 custodian is fit to care for the minor. In the event that
4 the minor has attained 18 years of age and the guardian or
5 custodian petitions the court for an order terminating his
6 guardianship or custody, guardianship or custody shall
7 terminate automatically 30 days after the receipt of the
8 petition unless the court orders otherwise. No legal
9 custodian or guardian of the person may be removed without
10 his consent until given notice and an opportunity to be heard
11 by the court.

12 When the court orders a child restored to the custody of
13 the parent or parents, the court shall order the parent or
14 parents to cooperate with the Department of Children and
15 Family Services and comply with the terms of an after-care
16 plan, or risk the loss of custody of the child and possible
17 termination of their parental rights. The court may also
18 enter an order of protective supervision in accordance with
19 Section 2-24.

20 (5) Whenever a parent, guardian, or legal custodian
21 files a motion for restoration of custody of the minor, and
22 the minor was adjudicated neglected, abused, or dependent as
23 a result of physical abuse, the court shall cause to be made
24 an investigation as to whether the movant has ever been
25 charged with or convicted of any criminal offense which would
26 indicate the likelihood of any further physical abuse to the
27 minor. Evidence of such criminal convictions shall be taken
28 into account in determining whether the minor can be cared
29 for at home without endangering his or her health or safety
30 and fitness of the parent, guardian, or legal custodian.

31 (a) Any agency of this State or any subdivision
32 thereof shall co-operate with the agent of the court in
33 providing any information sought in the investigation.

34 (b) The information derived from the investigation

1 and any conclusions or recommendations derived from the
2 information shall be provided to the parent, guardian, or
3 legal custodian seeking restoration of custody prior to
4 the hearing on fitness and the movant shall have an
5 opportunity at the hearing to refute the information or
6 contest its significance.

7 (c) All information obtained from any investigation
8 shall be confidential as provided in Section 5-150 of
9 this Act.

10 (Source: P.A. 91-357, eff. 7-29-99; 92-320, eff. 1-1-02.)

11 Section 99. Effective date. This Act takes effect upon
12 becoming law.